



DRW
Docket No.: M4065.0624/P624
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Howard E. Rhodes

Application No.: 10/751,439 Confirmation No.: 3917

Filed: January 6, 2004 Art Unit: 2818

For: **METHOD AND APPARATUS PROVIDING
CMOS IMAGER DEVICE PIXEL WITH
TRANSISTOR HAVING LOWER
THRESHOLD VOLTAGE THAN OTHER
IMAGER DEVICE TRANSISTORS**

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the election of species requirement, Applicant elects Species I (claims 1-49) for continued examination. Applicant's election is made with traverse.

Applicants note that MPEP § 803 provides that "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicant submits that claims 1-49 of Species I, claims 50-60 of Species II, and claims 61-79 of Species III recite similar limitations which define closely related subject matter that can be examined without serious burden. Applicant also notes that the search for Species I (claims 1-49) would necessarily overlap the search for Species II

(claims 50-60) and Species III (claims 61-79). In addition, Applicant submits that claims of Species II and III constitute only twenty nine claims of a total of seventy nine claims of Species I, II and III. Accordingly, the search and examination of all seventy nine claims of Species I, II and III can be made without serious burden by the Examiner.

An action on the merits of claims 1-79 and a Notice of Allowance thereof are respectfully requested.

Dated: October 24, 2005

Respectfully submitted,

By 

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